

Order

Michigan Supreme Court
Lansing, Michigan

February 28, 2014

Robert P. Young, Jr.,
Chief Justice

147401

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 147401
COA: 311876
Macomb CC: 1994-002418-FC

CHRISTOPHER L. TULL,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 24, 2013 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Macomb Circuit Court for reissuance of the defendant's judgment of conviction and sentence. The record makes clear that the failure to perfect an appeal of right was solely the fault of the defendant's trial counsel, who did not fulfill his promise in open court to file the necessary paperwork to begin the appellate process. Accordingly, the defendant was deprived of his appeal of right as a result of constitutionally ineffective assistance of counsel. See *Roe v Flores-Ortega*, 528 US 470, 477; 120 S Ct 1029; 145 L Ed 2d 985 (2000); *Peguero v United States*, 526 US 23, 28; 119 S Ct 961; 143 L Ed 2d 18 (1999).

We further ORDER the Macomb Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint counsel to represent the defendant on appeal.

We do not retain jurisdiction.



h0224

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 28, 2014


Clerk